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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,793	02/29/2000	Damon V. Danieli	MICR0183	1134
27792	7590	01/27/2005	EXAMINER	
MICROSOFT CORPORATION			ZIA, SYED	
LAW OFFICES OF RONALD M. ANDERSON			ART UNIT	PAPER NUMBER
600 108TH AVENUE N.E., SUITE 507			2131	
BELLEVUE, WA 98004				

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/515,793	DANIELI ET AL.	
	Examiner	Art Unit	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6, 8-25, 27-34, and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-6, 8-25 and 27-32 is/are allowed.
- 6) Claim(s) 33-34, and 36 is/are rejected.
- 7) Claim(s) 37 and 38 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This office action is in response to response filed on July 06, 2004. Original application contained Claims 1-38. Applicant cancelled Claims 7, 26, and 35. Applicant amended claims 1, 3, 14, 33, and 36. The amendment filed have been entered and made of record. Claims 29-32 were previously allowed, therefore, presently claims 1-6, 8-25, 27-28, 33-34, and 36-38 are pending.

Response to Arguments

Regarding independent claims 1, and 14 applicant's arguments filed on July 06, 2004 found persuasive, and claims rejection has been withdrawn.

Regarding independent claim 33 applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

In previous office action examiner objected dependent claims 37, and 38 to further narrow the scope of independent claim, while applicant *cancelled claims 35*, and amended claim 33 to include the limitation of claim 35, and 26.

As a result, cited prior art does implement and teaches a system and method for players to host and join new instances of multiplayer online electronic games as broadly recited in claim 33. Therefore, the examiner asserts that cited prior art do teach or suggest the subject matter broadly recited in independent and dependent claims. Accordingly, rejections for Claims 33, and 36 are respectfully maintained.

Allowable Subject Matter

1. Claims 1-6, 8-13, 14-25, 27-28, and 29-32 are allowed.
2. Claims 37, and 38 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 33-34, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by James et al., U. S. Patent 6,179,713.

1. Regarding Claim 33 James teaches and describes a system for enabling a host player to select one or more other players to participate in playing a multiplayer online electronic game played using a plurality of electronic devices linked in communication over a communications network, each of said plurality of electronic devices being operated by a different player and including:

- a display on which a user interface is implemented (col.8 line 45 to line 59);
- a memory in which a plurality of machine instructions are stored (col.2 line 51 to line 65); and
 - a microphone operatively coupled to the electronic device and which produces audio signals in response to words spoken by a user into the microphone;
 - a sound transducer operatively coupled to the electronic device so as to replicate sounds corresponding to an audio data signal received over the communications network by the electronic device to which said at least one sound transducer is operatively coupled (col.15 line 50 to line 59);
 - a processor coupled to the memory for executing said plurality of machine instructions, said processor implementing a plurality of functions when executing the machine instructions, including (col.1 line 15 to line 25):
 - enabling the host player to initiate a chat session (col.13 line 3 to line 8);
 - enabling the host player to invite one or more other players to join the chat session, and enabling any of the players who were invited by the host, to be a participant in the chat session (col.14 line 45 to col.15 line 14); and

- automatically launching an instance of the multiplayer online electronic game on each electronic device being operated by any player participating in the chat session, said step of automatically launching being in response to a game initiating action performed by the host player so that any player participating in the chat session automatically becomes a participant in the multiplayer online electronic game (col.13 line 10 to line 36).

- employing the microphone, the sound transducer, and the electronic device to enable each player to transmit voice chat data to all of the other players who have joined the voice chat session (Fig.5, and col.15 line 50 to line 59).

2. Claims 34, and 36 are rejected applied as above rejecting Claim 33. Furthermore, James describes system and method of on-line messaging to facilitate users to select participants, wherein:

- the host player is a member of an online messaging service that enables the host player to build a player contact list of one or more players with whom the host may desire to play multiplayer online computer games, and wherein execution of the plurality of machine instructions further implements the functions of: (a) obtaining the player contact list from the online messaging service, and (b) displaying the player contact list to the host player (col. 14 line 35 to line 62); and (c) enabling the host player to select one or more players to participate in the multiplayer online electronic game from the player contact list (col.8 line 29 to line 36);

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- execution of the plurality of machine instructions further implements the function of sending an electronic invitation to join the chat session to a player invited by the host player to join the chat session (col.4 line 64 to line 52, and col.7 line 60 to col.8 line 28).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ
January 12, 2005

Andrew Caldwell
ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER